

EXHIBIT "1"

LESTER SCHWAB KATZ & DWYER, LLP

120 BROADWAY

NEW YORK, N.Y. 10271-0071

(212) 964-6611
FAX: (212) 267-5916

HAROLD J. DERSCHOWITZ
Writer's Direct Dial: (212) 341-4263
E-Mail: hderschowitz@lskdnylaw.com

NEW JERSEY OFFICE
24 LACKAWANNA PLAZA
MILLBURN, N.J. 07041
(973) 912-9501

September 5, 2008

Via Fax: (212) 805-7927

Hon. Naomi Reice Buchwald
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jordan Mann v. Plus One Fitness, et al
Civil Action No.: 07 CV 5691 (NRB)
Our File No.: 163-8001

Dear Madam Justice:

Please be advised that we represent the defendants, Board of Managers of Trump World Tower Condominium s/h/i Trump World Towers, and John Henriques, in the above-entitled action.

We write this letter to advise the Court that despite service of our Motion to Preclude/Compel discovery, plaintiff has failed to timely interpose opposition papers to either our clients' motion or the motion submitted by co-defendants.

Both of said motions were served on August 28, 2008, and plaintiff's opposition papers were due on September 4, 2008.

We have spoken to co-defendants' counsel, Deborah Martin Norcross, Esq., and are in agreement that given plaintiff's failure to timely oppose the instant motions or seek an extension of time from the Court to oppose same prior to the expiration of the four (4) day time period to oppose, that the defendants' respective motions should be granted by the Court "without opposition", and that plaintiff should be precluded from hereafter filing untimely opposition papers thereto.

LESTER SCHWAB KATZ & DWYER, LLP

September 5, 2008
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We thank the Court for its attention to the within matter.

Respectfully yours,


Harold J. Derschowitz (HJD-9910)
Of Counsel

HJD:imr

cc:

Via Fax: (718) 360-1916 and
E-Mail (numoh@umohlaw.com) and
E-Mail (chidieze@yahoo.com)
Law Offices Of Chidi Eze, Esq.
255 Livingston Street, 4th Floor
Brooklyn, New York 11217
Attorneys for Plaintiff

Via Fax: (609) 945-3912 and
E-Mail (dmnorcross@martinnorcross.com)
Deborah Martin Norcross, Esq.
Martin Norcross, LLC
110 Wall Street, RCG Suite 26th Floor
New York, New York 10004
Attorneys for Defendant
Plus One Fitness and Jamie MacDonald
1076967

EXHIBIT "2"

LESTER SCHWAB KATZ & DWYER, LLP

120 BROADWAY

NEW YORK, N.Y. 10271-0071

(212) 964-6611
FAX: (212) 267-5916

HAROLD J. DERSCHOWITZ
Writer's Direct Dial: (212) 341-4263
E-Mail: hderschowitz@lskdnylaw.com

NEW JERSEY OFFICE
24 LACKAWANNA PLAZA
MILLBURN, N.J. 07041
(973) 912-9501

September 9, 2008

Via Fax: (212) 805-7927

Hon. Naomi Reice Buchwald
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jordan Mann v. Plus One Fitness, et al
Civil Action No.: 07 CV 5691 (NRB)
Our File No.: 163-8001

Dear Madam Justice:

Please be advised that we represent the defendants, Board of Managers of Trump World Tower Condominium s/h/i Trump World Towers, and John Henriques, in the above-entitled action.

We write this letter to the Court as a follow-up to our letter of September 5, 2008, regarding plaintiff's failure to timely interpose opposition papers to the motions to preclude/compel submitted by the defendants.

As the Court is well aware, both of said motions were served on August 28, 2008, and plaintiff's opposition papers were due on September 4, 2008, pursuant to Local Rule 6.1(a).

Despite plaintiff's failure to timely oppose the instant motions or seek an extension of time from the Court to oppose same prior to the expiration of the four (4) day time period to oppose, the plaintiff has now not only served opposition papers (10:59 p.m. on September 8, 2008), but same contain a cross-motion as well!! As set forth in our prior letter to the Court dated September 5, 2008, we request that the Court disregard plaintiff's untimely submission and that the defendants' respective motions should be granted by the Court "without opposition." We also note that plaintiff never sought the Court's permission to file such a cross-motion.

In the event the Court decides to accept plaintiff's untimely opposition, which submission is in violation of the Court Rules, we respectfully request that we be given until September 12, 2008 to oppose and/or reply to same, as depositions of the defendants are scheduled to be conducted on September 9 and 11, 2008 (2 witnesses per day).

LESTER SCHWAB KATZ & DWYER, LLP

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We thank the Court for its attention to the within matter.

Respectfully yours,


Harold J. Derschowitz (HJD-9910)

Of Counsel

HJD:ck/1078097

cc:

Via Fax: (718) 360-1916 and
E-Mail (numoh@umohlaw.com) and
E-Mail (chidieze@yahoo.com)
Law Offices Of Chidi Eze, Esq.
255 Livingston Street, 4th Floor
Brooklyn, New York 11217
Attorneys for Plaintiff

Via Fax: (609) 945-3912 and
E-Mail (dmnorcross@martinnorcross.com)
Deborah Martin Norcross, Esq.
Martin Norcross, LLC
110 Wall Street, RCG Suite 26th Floor
New York, New York 10004
Attorneys for Defendant
Plus One Fitness and Jamie MacDonald